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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
)
Western Wireless Corporation Petitions)
For Designation as an Eligible)
Telecommunications Carrier to Provide)
Services Eligible for Universal Service)
Support in Wyoming)

CC Docket No. 96-45

**COMMENTS OF THE
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA")¹ hereby respectfully submits its comments in response to the Commission's *Public Notice* in the above-captioned proceeding.² PCIA supports Western Wireless in its attempt to obtain designation as an eligible telecommunications carrier ("ETC") for purposes of federal universal service support in Wyoming. Granting Western Wireless ETC status is an important step towards ensuring that all common carriers, including commercial mobile radio service ("CMRS") providers, enjoy equal opportunities to participate in the FCC's

¹ PCIA is an international trade association established to represent the interests of both the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of FCC licensees.

² Western Wireless Corporation Petitions for Designation as an Eligible Telecommunications Carrier to Provide Services Eligible for Universal Service Support in Wyoming, Public Notice, CC Docket No. 96-45, (Nov. 12, 1999) ("*Public Notice*").

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universal service program. The Commission must give wireless carriers the same rights as wireline carriers to receive universal service funding.

I. INTRODUCTION

The Commission has already determined that a CMRS provider may seek designation as an ETC.³ Moreover, as demonstrated in its petition, Western Wireless meets all of the regulatory prerequisites to ETC designation.⁴ Designating Western Wireless as an ETC will also serve the public interest by providing rural Wyoming consumers with the superior products and services that come with wireless technology. Should the Commission decide not to grant Western Wireless ETC status, Western Wireless would be precluded from entering the rural Wyoming marketplace.⁵ In fact, without federal funding, no new entrant will be able to compete with ILECs in high-cost and/or rural markets. Therefore, the FCC should promptly grant Western Wireless designation as an ETC.⁶

³ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, First Report and Order, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) (“...any telecommunications carriers using any technology, including wireless technology, is eligible to receive universal service support if it meets the criteria under Section 214(e)(1)”) (“*Universal Service First Report and Order*”); *Federal-State Joint Board on Universal Service, Access Charge Reform*, Seventh Report and Order and Thirteenth Order on Reconsideration in CC Docket No. 96-45, Fourth Report and Order in CC Docket No. 96-262, and Further Notice of Proposed Rulemaking, FCC 99-119 at ¶ 15 (rel. May 28, 1999) (“... all carriers that provide the supported services, regardless of technology used, are eligible for designation as an eligible telecommunications carrier”).

⁴ Western Wireless Corporation, *Petition for ETC Designation*, CC Docket No. 96-45 (filed Sept. 29, 1999) (“*Western Wireless Petition*”).

⁵ *Western Wireless Petition* at 3.

⁶ The FCC unquestionably has jurisdiction under Section 214(e)(6) of the Act to grant Western Wireless’ petition. See 47 U.S.C. § 214(e)(6). As mandated by Section 214(e)(6) of the Act and in light of the ruling by the Wyoming Public Service Commission, Western Wireless is clearly “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.”

II. WESTERN WIRELESS CLEARLY FULFILLS ALL OF THE REGULATORY STIPULATIONS FOR DESIGNATION AS AN ETC

As noted in its *Petition*, Western Wireless currently provides all of the services and capabilities specified in Section 54.101(a) of the Commission's Rules.⁷ Upon grant of ETC status, Western Wireless promises to make the same "universal service" offerings available to consumers in Wyoming's designated service areas.⁸ Western Wireless promises to meet every requirement mandated by Section 54.101(a) of the Commission's Rules, including: (1) voice-grade access to the public switched network; (2) local usage;⁹ (3) a functional equivalent of touch-tone signaling; (4) single party service; (5) access to emergency services;¹⁰ (6) access to operator services; (7) access to interexchange service; (8) access to directory assistance; and (9) toll limitation for qualifying low-income customers.¹¹ Moreover, Western Wireless will provide the aforementioned supported services using its existing cellular network infrastructure, as required by Section 214(e)(1)(A) of the Act.¹² In addition, pursuant to Section 214(e)(1)(B) of the Act,

⁷ *Western Wireless Petition* at 7-10.

⁸ *Western Wireless Petition* at 7.

⁹ Pursuant to Section 54.101(a)(2) of the Commission's Rules, Western Wireless states that it intends to offer its universal service customers a rate plan that includes unlimited local usage or a package of minutes that satisfies any future local usage requirement adopted by the FCC. *See Western Wireless Petition* at 8.

¹⁰ As noted by Western Wireless, the Commission has already held that wireless providers may be designated as ETCs despite the current unavailability of E911 service in certain wireless markets. *See Universal Service First Report and Order*, 12 FCC Rcd at 8815, ¶90. PCIA agrees with Western Wireless that by providing 911 service and being capable and ready to provide E911 service upon request, Western Wireless meets the requirement to provide access to emergency service. *Western Wireless Petition* at 9.

¹¹ As noted in its *Petition*, once designated as an ETC, Western Wireless will participate in Lifeline as required, and will offer toll blocking in satisfaction of the FCC's requirement. *See Western Wireless Petition* at 10.

¹² *Western Wireless Petition* at 10-11.

Western Wireless commits to advertising the availability of its universal service offering, and the charges therefor, using media of general distribution, thereby ensuring that consumers within its designated service area are fully aware of its universal service offering.¹³

III. THE PUBLIC INTEREST WILL BE SERVED BY DESIGNATING WESTERN WIRELESS AS AN ETC IN SERVICE AREAS SERVED BY RURAL TELEPHONE COMPANIES

Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, Section 214(e)(6) of the Act requires the Commission to find that such a designation is in the public interest. Without question, the designation of Western Wireless as an additional ETC is in the public interest.

Western Wireless' presence in the rural Wyoming marketplace will bring competition to a region starving for another carrier, thereby resulting in lower prices and higher quality services for the rural Wyoming consumer. Granting Western Wireless ETC status will also result in the provision of new and advanced telecommunications and information services to the Wyoming telecommunications consumer, including wireless local loop service, thereby placing Wyoming consumers at the forefront of advanced telecommunications services. By granting Western Wireless' Petition, the FCC will also be furthering Congress' goals in enacting the Telecommunications Act of 1996.

IV. CONCLUSION

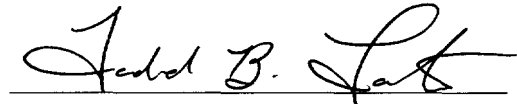
The Commission has already ruled that any carrier, regardless of technology, that provides supported services and complies with all applicable requirements should receive

¹³ *Western Wireless Petition* at 11.

universal service support. The Commission must now go one step further. The Commission must expeditiously grant Western Wireless' petition and uphold Congress' intent of ensuring that consumers in high-cost and rural areas have access to telecommunications and information services that are reasonably comparable to those services provided in urban areas at comparable rates. Should the Commission decide not to grant Western Wireless ETC status, Western Wireless would be thwarted in its attempt to provide service to rural Wyoming customers. Having met all of the aforementioned statutory and regulatory requirements, Western Wireless is clearly entitled to designation as an ETC.

Respectfully submitted,

**PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION**

A handwritten signature in cursive script, appearing to read "Mary B. McDermott", written over a horizontal line.

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December 17, 1999